



— State of —  
**North Dakota**  
*Office of the Governor*  
**John Hoeven**  
*Governor*

May 4, 2005

The Honorable Matt Klein  
Speaker  
ND House of Representatives  
State Capitol  
Bismarck, ND 58505

RE: Item veto of Sections 22 and 23 in HB 1015

Dear Speaker Klein:

I have signed HB 1015, but veto Sections 22 and 23 of the bill.

Providing a budget and recommended appropriations to fund that budget on a biennial basis is a constitutional duty of the executive branch of government. The legislature can neither add to nor diminish that constitutional duty. This bill attempts to tell the executive branch what it must include in its budget.

If enacted into law, Section 22 would require the executive budget to include recommendations as to expenditures in future biennia. Essentially, this provision would require that the executive budget include appropriation recommendations for the next three biennia, which is neither reasonable nor practical.

While we are willing to, and, in fact, do engage in a process of projecting future expenditures with the legislature during the legislative session, it is not appropriate for the legislature to direct the budget recommendations.

Section 22 also interferes with the constitutional obligation of the executive branch to recommend appropriation legislation, in essence, to recommend its executive budget.

It requires that the appropriation bills submitted by the executive be the legislatively approved budget from the prior biennium. Any executive recommendations, more or less, could only be submitted subsequently as amendments to the legislative budget.

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Section 23 contains similar restrictions with regard to the executive branch recommendations for capital projects within the capital construction bill and, for the same reasons, is flawed.

For the reasons stated, I have signed HB 1015, but have vetoed Sections 22 and 23 of the bill.

Sincerely,

/s/

John Hoeven  
Governor

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